

which consists of adding at least one wax and/or oil thickener to said Pickering emulsion.

*M*

26. The method of claim 25 wherein the at least one wax is selected from the group consisting of natural waxes, synthetic waxes and mixtures thereof and the at least one oil thickener is selected from the group consisting of metal soaps, layered silicates and mixtures thereof.

**REMARKS**

Claims 1-13 have been cancelled and claims 14-24 have been added. Claims 14-26 are now pending. Although claims 14-26 are broader in scope than the claims allowed in 09/396,918, they still represent a narrower embodiment of originally filed claims 1-13. As such, it is believed that no new matter has been added.

Claims 14-24 correspond to the claims allowed in parent application 09/396,918 with the exception of the coating limitation (see attached sheet for comparison of claims), i.e. the scope of the claims has been expanded so that the amphiphilic metal oxide microfine particles are not limited by the means by which they are made to be amphiphilic.

Claims 25 and 26 correspond to claim 13, the subject matter of which was cancelled during the prosecution of the parent application.

If the only issue preventing allowability of the claims is the lack of a terminal disclaimer to overcome a obviousness-type double patenting rejection, the examiner is encouraged to telephone the undersigned (A faxed copy of the appropriate terminal disclaimers can be provided within 48 hours or less - Given the cost (\$110 per terminal disclaimer), the applicants prefer not to file the terminal disclaimers until there is an indication of allowable subject matter.)

Early and favorable action is earnestly solicited.

Respectfully submitted,  
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HCL:vif

Attachments: Comparison of pending claim 14 and claim 14 from 09/396,918

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**CERTIFICATE OF MAILING**

I hereby certify that the foregoing Preliminary Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below:

Date: **21 February 2002**

By Howard C. Lee  
Howard C. Lee